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**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

**ATARI INTERACTIVE, INC.,**

Plaintiff,

vs.

**REDBUBBLE, INC.,**

Defendant.

**AND RELATED ACTIONS**

Case No. 4:18-cv-03451-JST  
[Related to Case Nos. 3:18-cv-03843-JST;  
3:18-cv-04115; 4:18-cv-04949-JST; and  
4:19-cv-00264-JST]

**JOINT STIPULATION AMENDING  
THE BRIEFING AND HEARING  
SCHEDULE ON CROSS-MOTIONS  
FOR SUMMARY JUDGMENT**

Filed Concurrently with [PROPOSED]  
ORDER AMENDING THE BRIEFING  
AND HEARING SCHEDULE ON  
CROSS-MOTIONS FOR SUMMARY  
JUDGMENT

Judge: Hon. Jon S. Tigar

1 WHEREAS, on June 11, 2018, Plaintiff Atari Interactive, Inc. (“Atari”)  
2 commenced the above-captioned action by filing its Complaint against Defendant  
3 Redbubble, Inc. (“Redbubble”) (ECF No. 1);

4 WHEREAS, on April 17, 2019, the Court entered a Scheduling Order  
5 requiring dispositive motions to be filed by May 1, 2020 (ECF No. 49);

6 WHEREAS, pursuant to the Court’s Standing Order, Atari and Redbubble  
7 met and conferred regarding a schedule for the filing of cross-motions for summary  
8 judgment;

9 WHEREAS, Atari and Redbubble agreed to a briefing schedule on their  
10 cross-motions for summary judgment;

11 WHEREAS, on April 10, 2020, the Court entered the parties’ proposed  
12 briefing schedule, setting, *inter alia*, a July 8, 2020 hearing on the parties’ cross-  
13 motions for summary judgment (ECF No. 62);

14 WHEREAS, counsel for Atari and Redbubble are also in litigation in a  
15 pending case in the Central District of California, *Y.Y.G.M. SA d.b.a. Brandy*  
16 *Melville v. Redbubble Inc.*, Case No. 2:19-cv-04618-RGK, which is set for a five- to  
17 eight-day jury trial beginning June 30, 2020, which is therefore anticipated to last at  
18 least through July 7, 2020, and which that court has not continued in light of the  
19 pandemic, leading to a likely conflict with the July 8, 2020 hearing date here;

20 WHEREAS, pursuant to the briefing schedule, Atari filed its opening  
21 summary judgment brief on April 29, 2020 (ECF No. 64);

22 WHEREAS, subsequent to the filing of Atari’s opening brief, lead trial  
23 counsel for Redbubble experienced a death in the family; and

24 WHEREAS, pursuant to Local Rule 6-2(a), the parties state that they have not  
25 previously sought to modify the case schedule, and that a one-week delay in the  
26 forthcoming briefing and hearing schedule on their cross-motions for summary  
27 judgment can be effected without any other effect on the case schedule;

28 THEREFORE, in light of the potential conflict between the summary

1 judgment hearing in this case and the trial in the *Brandy Melville* case, and as a  
2 courtesy to Redbubble's lead trial counsel given the unforeseen personal  
3 circumstances, Atari and Redbubble stipulate and agree to the following amended  
4 briefing and hearing schedule on their cross-motions for summary judgment:

5 1. Redbubble shall file its opening/opposition brief on or before May 27,  
6 2020, instead of May 20, 2020;

7 2. Atari shall file its opposition/reply brief on or before June 10, 2020,  
8 instead of June 3, 2020;

9 3. Redbubble shall file its reply brief on or before June 24, 2020, instead  
10 of June 17, 2020; and

11 4. The hearing shall be reset from July 8, 2020 to July 15, 2020 at 2:00  
12 p.m., or as soon thereafter as it may be heard by the Court.

13 IT IS SO STIPULATED AND AGREED.  
14

15 Dated: May 15, 2020

BROWNE GEORGE ROSS LLP

16 Keith J. Wesley  
17 Matthew L. Venezia  
18 Milin Chun

19 By: /s/ Matthew L. Venezia

20 Attorneys for Plaintiff Atari Interactive, Inc.

21 Dated: May 15, 2020

COASTSIDE LEGAL

22 Kenneth B. Wilson

23 AND

ZUBER LAWLER & DEL DUCA LLP

24 Joshua M. Masur

25 Zachary S. Davidson

26 By: /s/ Joshua M. Masur

27 Attorneys for Defendant Redbubble, Inc.  
28

**ATTESTATION PURSUANT TO LOCAL RULE 5-1(i)(3)**

I, Joshua M. Masur, am the ECF User whose identification and password are being used to file this stipulation. In compliance with Local Rule 5-1(i)(3), I hereby attest that all other signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

Dated: May 15, 2020

/s/ Joshua M. Masur

Joshua M. Masur